THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12668 of 2005

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the surcharge order passed by the first respondent in proceedings Rc.No.2683/2000-D dated 14.9.2004 and the consequential proceedings in E.P.No.12/2004-05 and quash the same as arbitrary, illegal and without jurisdiction and consequently direct the respondents to pass orders under Section 60(1) of the A.P. Cooperative Societies Act in accordance with law.

It appears, petitioner was the President of Primary Agricultural Cooperative Society, Tharigoppula village, Narmetla mandal, Warangal district. It appears that pursuant to the inspection conducted under Section 53 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), surcharge proceedings under Section 60 of the Act were taken out against the petitioner. In pursuance of the surcharge order, when execution proceedings were initiated by the third respondent-Sale Officer, petitioner filed the present writ petition.

I am of the opinion, against the surcharge order, petitioner has got an effective alternative remedy of appeal under Section 76 of the Act before the Cooperative Tribunal and without availing such a remedy, the petitioner has filed this writ petition at a stage when the surcharge order was sought to be executed. Therefore, I am of the view that the writ petition is not maintainable and the same is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to approach the A.P. Cooperative Tribunal, Warangal under Section 76 of the Act and work his remedies as available under law. No order as to costs.

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C.V.RAMULU, J

Date: 20.12.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12668 of 2005

20.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12668 of 2005

Date: 20th December, 2006

Between:

A.Madhusudan Reddy

.. Petitioner

And

The Deputy Registrar of Cooperative
Societies, Warangal & others.

.. Respondents